

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 1:97-CR-82(26)

v.

HON. ROBERT HOLMES BELL

RODNEY D. ATKINSON,

Defendant.

ORDER

By order dated June 6, 2007, this Court denied Defendant Rodney D. Atkinson's motion for reduction of sentence pursuant to 18 U.S.C. § 3583(c)(2). (Docket # 967). This Court subsequently denied Defendant's motion for certificate of appealability because Defendant had not made a substantial showing of the denial of a constitutional right. (Docket # 975). This matter is now before the Court on Defendant's motion for leave to appeal *in forma pauperis*.

An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "Good faith" for purposes of § 1915(a)(3) is judged by an objective standard: a defendant's good faith is demonstrated when he seeks appellate review of any issue not frivolous. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Because Defendant's motion for reduction of sentence was denied on three legally independent grounds and because Defendant has not made a substantial showing of

the denial of a constitutional right, the Court concludes that Defendant's appeal is frivolous and is not taken in good faith. Accordingly,

IT IS HEREBY ORDERED that Defendant Rodney D. Atkinson's motion for leave to appeal *in forma pauperis* (Docket # 980) is **DENIED**.

IT IS FURTHER ORDERED that this order be certified to the Court of Appeals for inclusion in the record on appeal. FED. R. APP. P. 3(d) and 22(b).

Date: July 12, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE